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M.L.

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TOWNSEND and TOWNSEND and CREW LLP

By:

[Signature]

PATENT

Attorney Docket No.: 17634-000330US

Client Reference No.: E-089-97/5



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Brian R. Murphy et al.

Application No.: 09/458,813

Filed: December 10, 1999

For: USE OF RECOMBINANT LIVE-
ATTENUATED PARAINFLUENZA
VIRUS (PIV) AS A VECTOR TO
PROTECT AGAINST DISEASE
CAUSED BY PIV AND RESPIRATORY
SYNCYTIAL VIRUS (RSV)

Art Unit: Unassigned

Examiner: Unassigned

PRELIMINARY AMENDMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Prior to examination of the above-referenced application, please enter the following amendments and remarks.

IN THE CLAIMS:

Please amend claims 1, 21, 22, 39, 48 and 50, as follows:

- 1 1. (Amended) An isolated infectious chimeric parainfluenza virus (PIV)
2 comprising a major nucleocapsid (N) protein, a nucleocapsid phosphoprotein (P), a large
3 polymerase protein (L), and a partial or complete human parainfluenza virus 3 JS (HPIV3 JS)
4 vector genome or antigenome that incorporates at least one and up to a full complement of
5 attenuating mutations present within HPIV3 JS cp45 selected from mutations specifying an
6 amino acid substitution in the L protein at a position corresponding to Tyr₉₄₂, Leu₉₉₂, or Thr₁₅₅₈
7 of JS cp45; in the N protein at a position corresponding to residues Val₉₆ or Ser₃₈₉ of JS cp45,
8 in the C protein at a position corresponding to Ile₉₆ of JS cp45, a nucleotide substitution in a 3'

B1
cont.